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3                   UNITED STATES DISTRICT COURT  
4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT SEATTLE  
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JOHN SHOEMAKER, et al.,

Plaintiff,

v.

CONSECO FINANCE SERVICE CORP.,

Defendant.

NO. C02-739P

ORDER DISMISSING

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12                   On November 8, 2002, the Court issued a minute order staying this case due to bankruptcy  
13 proceedings (Dkt. No. 6). On November 22, 2003, the Court removed this case from its active case  
14 list. Since that time, nothing has occurred in this case. On January 27, 2006, this Court requested a  
15 status report from the parties by February 10, 2006 and warned that the case would be dismissed if no  
16 response had been received.

17                   It is now February 17, 2006, and nothing has been heard from the parties in this matter. Local  
18 Civil Rule 41(b)(1) provides:

19                   [a]ny case that has been pending in this court for more than one year without any  
20 proceeding of record having been taken may be dismissed by the court on its own  
21 motion for lack of prosecution. The plaintiff in any such action will be given an  
22 opportunity to show cause in writing, or at the court's election in open court, why the  
23 case should not be dismissed. A dismissal under this sub-paragraph will operate as an  
24 adjudication on the merits, as provided for in Fed. R. Civ. P. 41(b), unless the court  
25 orders otherwise.

26                   This Court finds that no proceeding of record has taken place in this matter for over a year and no  
27 response has been given to this Court's Order to Show Cause. Accordingly, this Case is dismissed  
28 with prejudice, consistent with the Local Rules.

29  
30 ORDER DISMISSING-1

1 The clerk is directed to send copies of this order to all counsel of record.

2 Dated: February 17, 2006.

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5 Marsha J. Pechman  
6 United States District Judge

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26 ORDER DISMISSING-2